

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>STONE BANK</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 2:19-cv-02040-SHL-dkv</b>
	)	
<b>CAH ACQUISITION COMPANY 11, LLC</b>	)	
	)	
<b>Defendant.</b>	)	

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**APPLICATION FOR EXPEDITED HEARING ON PLAINTIFF’S  
EMERGENCY MOTION FOR THE APPOINTMENT OF RECEIVER  
AND RELATED INJUNCTIVE RELIEF,  
AND EXTENSION OF TEMPORARY RESTRAINING ORDER ENTERED BY THE  
CHANCERY COURT OF LAUDERDALE COUNTY, TENNESSEE**

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Plaintiff Stone Bank (“Lender”), requests that this Court schedule an expedited hearing on its Emergency Motion for the Appointment of Receiver and Related Injunctive Relief against Defendant CAH Acquisition Company 11, LLC ("Borrower") pursuant to LR 7.2(d), and states the following:

1. This action was filed in the Chancery Court of Lauderdale County, Tennessee on January 8, 2019 upon the Verified Complaint of the Lender.
2. Lender concurrently filed its Emergency Motion for the Appointment of Receiver and Related Injunctive Relief.
3. The Chancery Court granted a Temporary Restraining Order, which will expire on January 23, 2019, prohibiting Borrower, the owner and operator of the hospital from using, taking or wasting any funds or property of the hospital except for the necessary things required to preserve and continue operation of the hospital in the ordinary course of business.

4. The Chancery Court set a hearing on Lender's Emergency Motion for the Appointment of Receiver and Related Injunctive Relief for Tuesday, January 15 at 9:00 a.m. to consider the appointment of a receiver and empowering the receiver to take control of the hospital and manage its operations pending further orders of the Court.

5. On Monday, January 14, 2019, Borrower filed a Notice of Removal in this Court, staying proceedings in the Lauderdale County Chancery Court.

6. Lender does not object to this Court's jurisdiction, and asks that the Court determine whether it has subject matter jurisdiction in this action.<sup>1</sup>

7. Lender respectfully applies for an expedited hearing, an extension of the Temporary Restraining Order entered by the Lauderdale County Chancery Court, entry of a preliminary and permanent injunction and appointment of a receiver as requested in its Emergency Motion for the Appointment of Receiver and Related Injunctive Relief, and for such other and further relief to which Lender may be entitled.

Dated: January 22, 2019

Respectfully submitted,

s/Jonathan O. Steen

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<sup>1</sup> Lender moves that this Court specifically consider T.C.A. § 29-40-102(3) and 105 in determining its subject matter jurisdiction, and further asks that the Court grant the relief sought by Lender under its authority to decide this matter or, if this Court determines it lacks jurisdiction, remand the matter to the Lauderdale Chancery Court for further proceedings.

**CERTIFICATE OF SERVICE**

I certify that I provided a true and correct copy of this document to the following by electronic means via the Court's electronic filing system, fax, email or U.S. First Class Mail, postage prepaid, this 22<sup>nd</sup> day of January, 2019.

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s/Jonathan O. Steen  
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